

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION  
FINAL TRANSPORTATION ORDERS  
Selected for Publication  
October 2001

October 19, 2001

In the Matter of the  
Applications of

DOCKET NO. TS-001774

DUTCHMAN MARINE, LLC  
d/b/a LAKE WASHINGTON  
FERRY SERVICE, for  
Authority to Provide  
Commercial Ferry Service;

And;

SEATTLE HARBOR TOURS  
LIMITED PARTNERSHIPS,  
for Authority to Provide  
Commercial Ferry Service;

DOCKET NO. TS-002055

SECOND SUPPLEMENTAL ORDER

ORDER GRANTING APPLICATIONS WITH  
CONDITIONS

The Commission grants certificates of public  
convenience and necessity to both applicants  
consistent with its Order entered September 19,  
2001.

Failure to file progress reports every six months  
after an initial grant of commercial ferry authority,  
as required by statute, eliminates any basis for  
Commission extension of the five-year period  
allowed for initiation of service. ¶ 21; *RCW*  
*81.84.010*; *WAC 480-51-120*.

The commission need not wait for an expired commercial ferry authority to be formally cancelled to grant an application to serve the same service territory the expired authority would have covered. Admission on the part of the expired authority holder that it failed to initiate service within the allowed time period is enough. ¶ 23; RCW 81.84.060.

Amendment of an application is allowed at any time but the amended application must be re-published if it expands the scope of authority unless all interested parties have had notice that another applicant, participating in the same consolidated proceeding, requested the broader authority and the hearing notice reflected that scope of authority. It is then presumed that opposing parties would have come forward to protest, so no further publication of the amended authority is required. ¶ 26; WAC 480-09-425(4) and (5).

Testimony of need offered on behalf of one applicant in a consolidated proceeding will support a finding of need for any service provider unless it is confined to the service of one applicant only. ¶ 29; *In re Pacific Northwest Transportation Services, Inc. et al. Order*, M.V.C. No. 1482 (February 1985).

Even where the only applicant witness is an operating witness, if other testimony in the case corroborates that testimony and the totality of the evidence, demeanor and experience of the witness lend credibility to the testimony, then it is sufficient to support a grant of authority. ¶ 31; *Distinguishing In re Richard & Helen Asche, Bremerton-Kitsap Authority, Inc. d/b/a Bremerton-Kitsap Airporter, Inc., Kitsap Sea-Tac Airporter, Inc., The Sound Connection, Order*, M.V. C. No. 1444 (May, 1984).